

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

R. ALEXANDER ACOSTA, SECRETARY
OF LABOR, UNITED STATES
DEPARTMENT OF LABOR,

Plaintiff,

V.

KATANA BUFFET & GRILL, INC., an Ohio Corporation; HUI MIN WU, an individual

Defendants.

• • • • •

Case No. 5:17-cv-01609

Judge Benita Y. Pearson

JUDGMENT

Plaintiff, R. Alexander Acosta, Secretary of Labor, United States Department of Labor (the “Secretary”), has filed his Complaint, and Defendants Katana Buffet, Inc. and Hui Min Wu (hereinafter collectively “Defendants”), have waived service of the Complaint, have waived answer and all defenses to the Complaint, and have agreed to the entry of this Judgment in accordance with the Stipulation between the parties filed herein. It is therefore, for cause shown, ordered that:

1. Defendants, their agents, servants, employees, and all persons in active concert with them, are permanently enjoined and restrained from violating the provisions of §§15(a)(2) and 15(a)(5) of the Fair Labor Standards Act of 1938 (the “Act”), in any of the following manners:

A. Defendants shall not, contrary to Section 6 of the Act, employ any of their employees engaged in commerce or in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce, as defined by the Act, unless the employees receive compensation for their employment at a rate not less than the prevailing federal minimum wage rate.

B. Defendants shall not, contrary to Section 7 of the Act, employ any of their employees engaged in commerce or in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce, as defined by the Act, for workweeks longer than forty (40) hours, unless employees receive compensation for their employment in excess of forty (40) hours per week at a rate not less than one and one-half times the regular rates at which they are employed.

C. Defendants shall not fail to make, keep, and preserve records of their employees, and of the wages, hours, and other conditions and practices of employment maintained by them, as prescribed by the regulations of the Administrator or the Secretary of Labor issued, and from time to time amended, pursuant to Section 11(c) of the Act, and found in Title 29, Chapter V, Code of Federal Regulations, Part 516.

2. Defendants shall:

- (a) train all employees on how to record hours worked;
- (b) develop a method for recording the amount of tips received to include credit card tips and pay out credit card tips daily;
- (c) provide the employees with a payroll stub(s);

(d) post information (in English, Spanish, and Chinese) on how to contact the Wage and Hour Division's Columbus Ohio District Office.

3. Defendants Katana Buffet & Grill, Inc. and Hui Min Wu shall pay \$25,000.00 plus interest, for which execution may issue, to Plaintiff in the following manner: \$1,052.55 on the first day of each month for 23 months beginning September 1, 2017 and \$1,052.59 for the 24th month for a total of \$25,261.24. Plaintiff shall then disburse this payment to the employees listed in Exhibit A, as prescribed by law, provided that any money not so distributed by the Plaintiff within a reasonable time because of Plaintiff's inability to locate the proper person or because of such person's refusal to accept such money, shall be covered into the Treasury of the United States as miscellaneous receipts. The Exhibit "A" attachment to this judgment is incorporated in and made a part of this judgment. Monthly payments shall be made with a certified check or cashier's check made payable to "U.S. Department of Labor – Wage and Hour Division" and sent to:

U.S. Department of Labor
Midwest Regional Office
Wage and Hour Division
P.O. Box 2638
Chicago, IL 60690-2638

4. The Secretary shall distribute the amounts referred to above, or the proceeds thereof, to the persons named in Exhibit A in the amounts so indicated, less applicable deductions for the employees' share of FICA, Medicare, and withholding taxes, or to their estates, if that be necessary. Defendants shall be responsible for the employer's share of FICA, Medicare, and other applicable taxes and any other necessary payments to the appropriate federal and state revenue authorities for the employees listed on Exhibit A.

5. Defendants shall not request, solicit, suggest, or coerce, directly, or indirectly, any employee to return or to offer to return to the Defendants or to someone else for the Defendants, any money in the form of cash, check, or any other form, for wages previously due or to become due in the future to said employee under the provisions of this Judgment or the Act; nor shall Defendants accept, or receive from any employee, either directly or indirectly, any money in the form of cash, check, or any other form, for wages heretofore or hereafter paid to said employee under the provisions of this Judgment or the Act; nor shall Defendants discharge or in any other manner discriminate, nor solicit or encourage anyone else to discriminate, against any such employee because such employee has received or retained money due to him from the Defendants under the provisions of this Judgment or the Act.

6. Each party shall bear its/her own fees and other expenses incurred by such party in connection with any stage of this proceeding to date.

Dated this 25th day of August, 2017.

/s/ Benita Y. Pearson
Judge Benita Y. Pearson
U.S. District Court Judge

Summary of Unpaid Wages

U.S. Department of Labor
Wage and Hour Division

EXHIBIT A

Office Address: Columbus OH District Office
US Dept. of Labor, ESA, Wage & Hour Div.
200 North High St., Rm. 646
Columbus, OH 43215-2475
614-469-5678

Investigator:
Xiangxi Liu

Date:
07/07/2017

Employer Fed Tax ID Number: 46-1702673

1. Name	2. Address	3. Period Covered by Work Week Ending Dates	4. Act(s)	5. BWs Due	Total
Aguilares, Miguel		01/09/2016 to 04/16/2016	FLSA	\$97.68 \$97.68	\$97.68 \$97.68
Chen, Liyun		04/19/2014 to 04/16/2016	FLSA	\$711.78 \$711.78	\$711.78 \$711.78
Chen, Mingdong		01/10/2015 to 04/16/2016	FLSA	\$1,780.25 \$1,780.25	\$1,780.25 \$1,780.25
Chen, Yuzhen		04/19/2014 to 06/28/2014	FLSA	\$308.34 \$308.34	\$308.34 \$308.34
Chi, Baohuo		04/19/2014 to 03/05/2016	FLSA	\$811.26 \$811.26	\$811.26 \$811.26
Fidelio Matom, Miguel		05/02/2015 to 04/16/2016	FLSA	\$317.46 \$317.46	\$317.46 \$317.46

I agree to pay the listed employees the
amount due shown above by

Employer Name and Address:
Katana Buffet & Grill
Katana Buffet & Grill Inc.
4758 Everhard Rd, NW
Canton OH 44718

Subtotal: \$4,026.77 \$4,026.77

Signed: _____

Date: _____

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U.S. Department of Labor
Wage and Hour Division

Office Address: Columbus OH District Office
US Dept. of Labor, ESA, Wage & Hour Div
200 North High St., Rm. 646
Columbus, OH 43215-2475
614-469-5678

Investigator:
Xiangxi Liu

Date:
07/07/2017

Employer Fed Tax ID Number: 46-1702673

1. Name	2. Address	3. Period Covered by Work Week Ending Dates	4. Act(s)	5. BWs Due	Total
Imul Pepual, Gabriel		10/17/2015 to 04/16/2016	FLSA	\$76.71 \$76.71	\$76.71 \$76.71
Ixcotay Castro, Juan		05/17/2014 to 04/16/2016	FLSA	\$622.72 \$622.72	\$622.72 \$622.72
Jiang, Xingjian		04/19/2014 to 04/16/2016	FLSA	\$2,755.41 \$2,755.41	\$2,755.41 \$2,755.41
Lian, Xiangyong		04/19/2014 to 12/26/2015	FLSA	\$2,337.77 \$2,337.77	\$2,337.77 \$2,337.77
Lian, Xiumin		04/19/2014 to 04/16/2016	FLSA	\$2,755.41 \$2,755.41	\$2,755.41 \$2,755.41
Lin, Xiuyong		04/19/2014 to 06/28/2014	FLSA	\$343.24 \$343.24	\$343.24 \$343.24

I agree to pay the listed employees the amount due shown above by	Employer Name and Address: Katana Buffet & Grill Katana Buffet & Grill Inc. 4758 Everhard Rd, NW Canton OH 44718	Subtotal:	\$8,891.26	\$8,891.26
Signed: _____				
Date: _____				

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Wage and Hour Division

Office Address: Columbus OH District Office
US Dept. of Labor, ESA, Wage & Hour Div.
200 North High St., Rm. 646
Columbus, OH 43215-2475
614-469-5678

Investigator:
Xiangxi Liu

Date:
07/07/2017

Employer Fed Tax ID Number: 46-1702673

1. Name	2. Address	3. Period Covered by Work Week Ending Dates	4. Act(s)	5. BWs Due	Total
Liu, Biyong		04/19/2014 to 04/16/2016	FLSA	\$2,755.41 \$2,755.41	\$2,755.41 \$2,755.41
Matom de Paz, Miguel		05/17/2014 to 04/16/2016	FLSA	\$622.72 \$622.72	\$622.72 \$622.72
Perez Jimenez, Luis		02/20/2016 to 04/16/2016	FLSA	\$62.35 \$62.35	\$62.35 \$62.35
Tiu, Pedro		03/07/2015 to 04/16/2016	FLSA	\$366.26 \$366.26	\$366.26 \$366.26
Wu, Yiqiang		01/09/2016 to 04/16/2016	FLSA	\$98.98 \$98.98	\$98.98 \$98.98
Yang, Lihui		04/19/2014 to 04/04/2015	FLSA	\$317.46 \$317.46	\$317.46 \$317.46

I agree to pay the listed employees the
amount due shown above by

Employer Name and Address:
Katana Buffet & Grill
Katana Buffet & Grill Inc.
4758 Everhard Rd, NW
Canton OH 44718

Subtotal: \$4,223.18 \$4,223.18

Signed: _____

Date: _____

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Wage and Hour Division

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US Dept. of Labor, ESA, Wage & Hour Div.
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Columbus, OH 43215-2475
614-469-5678

Investigator:
Xiangxi Liu

Date:
07/07/2017

Employer Fed Tax ID Number: 46-1702673

1. Name	2. Address	3. Period Covered by Work Week Ending Dates	4. Act(s)	5. BWs Due	Total
Zhang, Guanglin		04/19/2014 to 04/16/2016	FLSA	\$711.78 \$711.78	\$711.78 \$711.78
Zhang, Shaolei		01/10/2015 to 04/16/2016	FLSA	\$1,780.25 \$1,780.25	\$1,780.25 \$1,780.25
Zhang, Yan		03/05/2016 to 04/16/2016	FLSA	\$251.32 \$251.32	\$251.32 \$251.32
Zhao, Jinduan		01/10/2015 to 04/16/2016	FLSA	\$1,780.25 \$1,780.25	\$1,780.25 \$1,780.25
Zhao, Jinsheng		04/19/2014 to 10/03/2015	FLSA	\$2,023.60 \$2,023.60	\$2,023.60 \$2,023.60
Zheng, Jian		07/11/2015 to 04/16/2016	FLSA	\$1,311.59 \$1,311.59	\$1,311.59 \$1,311.59

I agree to pay the listed employees the
amount due shown above by

Employer Name and Address:
Katana Buffet & Grill
Katana Buffet & Grill Inc
4758 Everhard Rd, NW
Canton OH 44718

Subtotal:	\$7,858.79	\$7,858.79
Total:	\$25,000.00	\$25,000.00

Signed: _____

Date: _____

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